



1014 Rec'd PCT/PTC

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#3
PCT

PTO/SB/21 (6-98)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/890,752	
	Filing Date	August 3, 2001	
	First Named Inventor	Hildt	
	Group Art Unit	Unassigned	
	Examiner Name	Unassigned	
Total Number of Pages in This Submission	25	Attorney Docket Number	107070.120

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	Return Copy of Notification of Missing Requirements;
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Response to Notification of Missing Requirements; Declaration and Power of Attorney; Sequence Listing on Diskette and Paper copy; Copy of Preliminary Amendment; Copy of Returned Receipt Postcard;	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Ann-Louise Kerner, Ph.D., Reg. No. 33,523
Signature	<i>Ann-Louise Kerner</i>
Date	November 29, 2001

CERTIFICATE OF MAILINGI hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: Typed or printed name **HAND DELIVERED**

Signature	Date
------------------	-------------

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Dup of #6

PCT

JC14 Rec'd PCT/PTO 30 NOV 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE -
DESIGNATED/ELECTED OFFICE

Applicant: Eberhard Hildt et al

Serial No.: 09/890,752
Based on PCT/DE00/00363

Examiner: TBA

International Filing Date: February 4, 2000

U.S. Filing Date: August 3, 2001

Entitled: PARTICLES FOR GENE THERAPY

Group Art Unit: TBA

Attorney Docket No.: VOS-013 (107070.120)

VIA HAND DELIVERY

BOX PCT

Assistant Commissioner for Patents
Washington, DC 20231

RECEIVED
MAY 10 2002
TECH CENTER 1600/2900

TRANSMITTAL LETTER

Dear Sir:

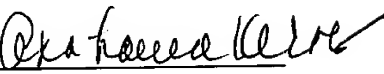
Enclosed herewith for filing in the above-referenced patent application are the following documents:

1. Preliminary Amendment
2. Clean Copy of Substitute Specification
3. Marked Up Version of Substitute Specification
4. Statement under 37 C.F.R. § 1.125(b)(1)
5. Computer Readable Form of the Sequence Listing
6. Paper Copy of the Sequence Listing

7. Statement under 37 C.F.R. § 1.821(f)
8. Proposed amendments to Figures 1 and 2
9. Fee Transmittal
10. Hand Delivery Return Receipt

Respectfully Submitted,

Hale and Dorr LLP

By: 

Ann-Louise Kerner, Ph.D.
Registration No. 33,523
Attorney for Applicants

November 29, 2001

HALE AND DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6564
(617) 526-5000 (Facsimile)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number 09/890,752
Filing Date August 3, 2001
First Named Inventor Hildt
Examiner Name Unassigned
Group Art Unit Unassigned
Attorney Docket No. 107070.120

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 08-0219

Deposit Account Name Hale and Dorr LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue Independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

*for number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	130.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

Name (Print/Type) Ann-Louise Kerner, Ph.D.

Registration No. (Attorney/Agent) 33,523

Complete (if applicable)

Telephone 526-6000

Signature

Ann-Louise Kerner

Date

Aug 29, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 360.00

Complete if Known

Application Number 09/890,752
Filing Date 08/03/2001
First Named Inventor Hildt
Examiner Name TBA
Group Art Unit TBA
Attorney Docket No. 107070-120 (VOS-013)

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 08-0219
Deposit Account Name Hale and Dorr LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims 40
Independent Claims 2
Multiple Dependent Claims already paid

Extra Claims: 20** = 20 X Fee from below 18.00 = 360.00
3** = 0 X Fee from below 0.00 = 0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid	
109 84	209 42	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 360.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
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118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Statement	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
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179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type) Ann-Louise Kerner, Ph.D.
Signature [Signature]

Registration No. 33,523
(Attorney/Agent)

Complete (if applicable)

Telephone 617-526-6192

Date Feb 29, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE -
DESIGNATED/ELECTED OFFICE**

Applicant: Eberhard Hildt et al

Serial No.: 09/890,752
Based on PCT/DE00/00363

Examiner: TBA

International

Filing Date: February 4, 2000

U.S. Filing Date: August 3, 2001

Entitled: PARTICLES FOR GENE THERAPY

Group Art Unit: TBA

Attorney Docket No.: VOS-013 (107070.120)

VIA HAND DELIVERY

BOX PCT

Assistant Commissioner of Patents
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371**

Sir:

In response to the Notification of Missing Requirements mailed October 2, 2001, enclosed for filing in the above-identified patent application are the following documents:

1. Return Copy of Notification of Missing Requirements
2. Fee Transmittal Authorizing Payment of Surcharge;
3. Executed Declaration and Power of Attorney;
4. Revised copy of Sequence Listing in computer readable form (diskette) and paper copy;
5. Copy of stamped return postcard, indicating filing of previous Sequence Listing on diskette;
6. Copy of Preliminary Amendment filed concurrently; and
7. Return postcard.

Applicants respectfully note that the Sequence Listings were provided on both paper copy and computer diskette upon filing of the subject application, as indicated on the enclosed return receipt postcard.

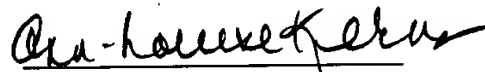
The Sequence Listing is being amended by means of Preliminary Amendment, which is being filed concurrently on this date. A copy of said Preliminary Amendment is enclosed. The diskette and paper copy filed herewith contain the Sequence Listing as revised in the Preliminary Amendment.

The Commissioner is hereby authorized to charge **\$130.00** to Deposit Account No. 08-0219 for the surcharge for late filing of the oath/declaration.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 08-0219.

Respectfully submitted,

Dated: Nov. 29 2001



Ann-Louise Kerner, Ph.D.
Registration No. 33,523
Attorney for Applicant

Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6548 (Telephone)
(617) 526-5000 (Facsimile)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE -
DESIGNATED/ELECTED OFFICE**

Applicant: Eberhard Hildt et al

Serial No.: 09/890,752
Based on PCT/DE00/00363

**International
Filing Date:** February 4, 2000

U.S. Filing Date: August 3, 2001

Entitled: PARTICLES FOR GENE THERAPY

Attorney Docket No.: VOS-013 (107070.120)

Examiner: TBA

Group Art Unit: TBA

VIA HAND DELIVERY

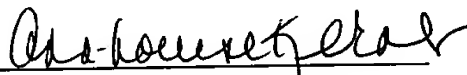
Box PCT
Assistant Commissioner for Patents
Washington, DC 20231

STATEMENT UNDER 37 C.F.R. § 1.125(b)(1)

The Substitute Specification enclosed herewith includes no new matter. This Substitute Specification is understood to comply with the requirements of § 1.125(b).

Respectfully submitted,

Dated: November 29, 2001


Ann-Louise Kerner, Ph.D.
Registration No. 33,523

Hale and Dorr LLP
60 State Street
Boston, MA 02481
Tel: 617-526-6564
Fax: 617-526-5000



U.S. APPLICATION NUMBER NO.			FIRST NAMED APPLICANT			ATTY. DOCKET NO.		
09/890,752			Erberhard Hildt			VOS-013-107070120		
INTERNATIONAL APPLICATION NO.								
PCT/DE00/00363								
I.A. FILING DATE								
02/04/2000								
PRIORITY DATE								
02/05/1999								

Ann Louise Kerner
Hale And Dorr
60 State Street
Boston, MA 02109

CONFIRMATION NO. 7711

371 FORMALITIES LETTER



OC000000006801966

Date Mailed: 10/02/2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Request for Immediate Examination
- Substitute Specification

HALE & DORR DOCKETING

RE: 107070.120
Action Date: 12-2-01
Action to be Taken: "D10"
Docketed by: ay On: 10-8-01

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required

by 37 CFR 1.821(e).

■ **APPLICANT MUST PROVIDE:**

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

MAMIE P PERSON

Telephone: (703) 305-3737

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/890,752	PCT/DE00/00363	VOS-013-107070120

JC09 Rec'd PCT/PTO 03 AUG 2001

Title: Particles for Gene Therapy

Serial/Patent #: _____ 1st Inventor: Hildt Applicant: _____

The following have been received by the US Patent and Trademark Office on the date stamped hereon.

☒ Express Mail Label No. EL384919076US ☐ Fee Transmittal Form ☒ Transmittal Form

☒ Certificate of Mailing - 37 CFR 1.8 (a) ☒ Deposit Account Authorization \$860.00

☐ Applicant Claims Small Entity Status ☐ Copy of/☐ Response to: *Notice to File Missing Parts*

☐ Provisional Application Cover Sheet ☐ Preliminary Amendment

☒ New Application (_____ Design) ☒ IDS, PTO-1449, and 5 publications (Supl. _____)

Specification - Total Pages 28 ☒ Sequence Listing: ☐ CD-ROM ☒ Disc (CRF) ☒ Paper

Formal Drawings - Total Sheets 2 ☐ Petition for _____ month extension of time

☐ CPA application ☐ RCE application ☐ Response to Office Action / Restriction Req.

☐ Oath of Declaration: _____ newly executed ☐ Notice of Appeal

_____ unsigned; _____ copy from priority case ☐ Appellant's Brief (triplicate) (☐ Reply Brief)

☐ Assignment and Recordation Form ☐ Issue Fee + _____ soft copies / ☐ Maintenance Fee

☐ Application Data Sheet (Initial Information Data Sheet)

☐ Continuation ☐ Divisional ☐ Continuation-in-Part of App No: _____

☐ Other: _____

☐ Other: _____

Mailing Date: Aug 3, 01 CM No. _____ VOS-013 Filed By: SLK/p.c.

09/890752